

TOWNSEND AND TOWNSEND AND CREW LLP  
DANIEL J. FURNISS (State Bar No. 73531),  
*dfurniss@townsend.com*  
JOSEPH A. GRECO (State Bar No. 104476),  
*jagreco@townsend.com*  
IAN L. SAFFER (*pro hac vice*),  
*ilsaffer@townsend.com*  
LEONARD J. AUGUSTINE, JR. (State Bar No. 198661),  
*ljaugustine@townsend.com*  
ROBERT D. TADLOCK (State Bar No. 238479),  
*rdtadlock@townsend.com*  
379 Lytton Avenue  
Palo Alto, California 94301  
Telephone: (650) 326-2400  
Facsimile: (650) 326-2422

FOUNTAINHEAD LAW GROUP  
CHAD R. WALSH (State Bar No. 214290),  
*crwalsh@townsend.com*  
900 Lafayette Street, Suite 509  
Santa Clara, California 95050  
Telephone: (408) 244-6319

Attorneys for Defendant and Counterclaimant  
BUSINESS OBJECTS DATA INTEGRATION, INC.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

INFORMATICA CORPORATION,  
a Delaware corporation,  
  
Plaintiff and Counterdefendant,  
  
v.

BUSINESS OBJECTS DATA  
INTEGRATION, INC., formerly known as  
ACTA TECHNOLOGY, INC.,  
a Delaware corporation,  
  
Defendant and Counterclaimant.

CASE NO. C 02 3378 JSW (JL)

**STIPULATION AND ~~PROPOSED~~  
ORDER RE DAMAGES  
DISCOVERY SCHEDULE**

1 Plaintiff Informatica Corporation ("Informatica") served its opening expert report on damages  
2 (the "Opening Report") on June 16, 2006. In the Opening Report, Informatica's damages expert  
3 indicated in several instances that he reserved the right to amend and supplement the Opening Report  
4 after a review of recently produced information and any new information made available. The rebuttal  
5 expert report on damages (the "Rebuttal Report") of Business Objects Data Integration, Inc. ("BODI")  
6 is scheduled to be due on August 4, 2006.

7 Both parties are still in the process of producing discovery relevant to damages. BODI desires  
8 discovery relevant to the preparation of its Rebuttal Report, including the taking of a deposition  
9 pursuant to Rule 30(b)(6). Informatica desires discovery relevant to potential supplemental expert  
10 disclosure. To allow BODI sufficient time to prepare its Rebuttal Report and to allow Informatica  
11 sufficient time to provide to BODI amendments or supplements to its Opening Report, the parties have  
12 agreed to establish a date for supplemental expert reports regarding damages and to extend the dates  
13 for rebuttal expert reports regarding damages, with a corresponding extension for damages discovery  
14 cut-off. The parties hereby respectfully request the Court adopt the schedule set forth below.

15 In accordance with Civil Local Rule 6-2(a), attached hereto is a Declaration of Leonard J.  
16 Augustine, Jr. setting forth (i) the reasons for the requested enlargement, (ii) a disclosure of all  
17 previous modifications in the case, and (iii) a description of the effect of the requested time  
18 modification on the schedule for the case.

19 ///

20 ///

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

**IT IS HEREBY STIPULATED**, by and between the parties, through their respective counsel that the following discovery dates shall be:

| EVENT   | DATE               |
|---|--------------------|
| Parties to comply with Rule 26(e) with respect to supplementation of disclosures made under Rule 26(a)(2)(B) with respect to damages issues on which that party bears the burden of proof ("Supplemental Damages Expert Reports") | September 22, 2006 |
| Parties to comply with Rule 26(a)(2)(B) in rebuttal/opposition with respect to damages issues on which the other party bears the burden of proof ("Rebuttal Damages Expert Reports")  | October 13, 2006   |
| Damages Discovery cut-off   | November 3, 2006   |

Dated: August 2, 2006

Respectfully submitted,

TOWNSEND AND TOWNSEND AND CREW LLP

By: /s/ Leonard J. Augustine, Jr.

Attorneys for Defendant

BUSINESS OBJECTS DATA INTEGRATION, INC.

Dated: August 2, 2006

Respectfully submitted,

FENWICK & WEST LLP

By: /s/ David Hadden

Attorneys for Plaintiff

INFORMATICA CORPORATION

**PURSUANT TO STIPULATION, IT IS SO ORDERED.**

Dated: August 10, 2006

  
JEFFREY S. WHITE

United States District Court Judge